

Meeting of 1998-9-8 Regular Meeting

MINUTES  
REGULAR MEETING  
LAWTON CITY COUNCIL  
SEPTEMBER 8, 1998 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Cecil E. Powell, Mayor   Also Present:  
Presiding   Bill Baker, Acting City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:30 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by State law.

ROLL CALL

Present:   G. Wayne Smith, Ward One  
              Richard Williams, Ward Two  
              John Purcell, Ward Four  
              Robert Shanklin, Ward Five  
              Charles P. Beller, Ward Six  
              Stanley Haywood, Ward Seven  
              Randy Warren, Ward Eight

Absent:   Jeffrey Sadler, Ward Three

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 25, 1998.

MOVED by Smith, SECOND by Haywood, for approval of the minutes. AYE: Beller, Haywood, Warren, Smith, Williams, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Donna Fike, 5016 Country Club Drive, said she received a letter saying a little house behind a home owned by her parents was to be torn down or that they would need a building permit. Address was 415-1/2 Dearborn. The house is in the process of being sold to Ms. Woods and it has not yet closed because the Woods are first selling their house in Geronimo, although the Woods are currently living in the house on Dearborn. She asked if it could be postponed until the property is finally transferred. Mayor Powell asked that Fike and Dan Tucker discuss this and see if a solution can be found.

John Sam Gomez said he had prepared a statement and would leave it for review but would like to make comments about the subject just previously discussed. Mayor Powell said that item was on the agenda, it was discussed and tabled by the Water Authority and would be discussed in later workshops where public input would be received. Statement was provided for copying, but it was picked up the following day by Mr. Gomez who requested it not be copied and that he would replace it at a later date.

Mayor Powell asked that Item 7 be considered at this time and there was no objection.

7.   Consider rescinding action to relocate the Senior Citizens Program from Pleasant Valley Housing Authority Center to the Owens Multipurpose Center. Exhibits: None.

Baker said this item was discussed during budget workshops as an initiative by Parks & Recreation to cut approximately \$8,300 from the operating budget. Council approved the item which involves moving senior citizen operations from Pleasant Valley to the Owens Multi-Purpose Center. Staff position is that it would not only be a cost savings, but relocating the service would provide a wider range of possibilities for people to participate. Baker said Haywood provided additional information regarding the Housing Authority's tentative offer to assist with janitorial and pest control costs at Pleasant Valley if the service remains there. He said with the new information, it might be premature to move the activity from Pleasant Valley.

MOVED by Haywood, SECOND by Warren, to rescind the action to relocate the senior citizen program from Pleasant Valley.

Shanklin said if funding is needed, there was an excess that is now available as a result of the lower cost for asbestos abatement at the museum for around \$100,000. Williams spoke in favor of leaving the program at Pleasant Valley and asked that the Housing Authority's offer be reviewed and accepted if it would be an improvement and reduce the costs. Warren agreed Baker could get with Ms. Love at the Housing Authority to work out the assistance.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

#### UNFINISHED BUSINESS:

1. Consider authorizing the expenditure of \$95,000 from the 1990 Capital Improvements Program (CIP) to improve the road base and to overlay SW Douglas Avenue from SW 15th Street to Sheridan Road. Exhibits: 8/27/98 cost estimate from Street Superintendent.

Jerry Ihler, Public Works/Engineering Director, said the street was designed as a 32 foot wide collector street with curb and gutter, a 10 foot wide bike path, and a resulting water line relocation. Council directed staff to prepare cost estimates for in-house reconstruction, which will be a 6 inch rock base and 4 to 6 inch asphalt overlay for approximately \$95,000. This would be a good road surface that should last for 5 to 8 years without any problem; water line relocation would not be required and the bike path would not be done.

Ihler said the 1990 CIP contains \$790,000 for Douglas Avenue. If the in-house \$95,000 option is selected, staff recommendation is to transfer \$600,000 into the sanitary sewer rehabilitation project and \$95,000 to \$100,000 into the NW 82nd Street Waterline Relocation Project to cover a shortfall in the project which must be accomplished.

MOVED by Haywood, SECOND by Shanklin, to authorize the expenditure of \$95,000 to be spent in-house for Douglas Avenue from the 1990 CIP. AYE: Warren, Smith, Williams, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

2. Receive information from staff requested at Council meeting of August 25, 1998, concerning Neal Boulevard Extension Project and take appropriate action. Exhibits: Layout Map.

Beller said the bottom portion mentions that \$50,000 for a railroad crossing and \$150,000 for signalization may be required. Ihler said cost estimates for those two items were provided by ODOT; the railroad grade crossing will have to be done but the surfacing would be the responsibility of either those doing the railroad improvement or ODOT since it is surfacing. The signalization to stop traffic may not be required at this location and the railroad company would need to decide. Beller asked if that railroad made that decision. Ihler said the railroad would be constructing the railroad spur so he would think it would be the railroad company that would determine if it would be a requirement to put in the signalization to protect traffic safety. Beller asked how that got into the picture. Ihler said he was asked to provide estimated quantities for the grading, roadbed work, and any drainage work the City or County may be responsible for, and Marilyn Fever suggested the City provide the materials and the County provide the labor. Ihler said they had gone a step further showing information on all of the materials that may be required for the project, with the certain items the City may be providing totaling \$9,354. Certain items listed are surfacing, but the attempt was to provide information on the total package involved.

Purcell said it was going to be about \$4,000 at the last meeting, it is doubling, and the amounts are not large, but this is the third time things have happened where the Council was not brought into it at the beginning with regard to the costs. He said things are promised and Council gets it after the fact; this is a simple problem with \$9,000 but it could just as easily have been \$200,000. Purcell asked if the \$9,000 would be all that was required and the extra \$225,000 on signalization would come from either the State or the railroad. Ihler said that would be his recommendation; preparation and surfacing is estimated at \$9,300 in materials; soil samples show the likelihood of movement and expansion so to design the roadbed to City standards it would require a 12" roadbed so that is why the rock costs doubled. Purcell said that did not bother him, but was concerned whether the City could be asked for the other \$225,000. Ihler said it was his understanding that ODOT would pay for the railroad spur and the road up to a set amount and the amount mentioned was \$350,000, and that he did not know what the railroad spur would cost.

Warren said \$9,000 is not a problem, but that he read the commentary as something that was waiting and could possibly come true. He said he did not understand why this cannot be placed before Council when they start dealing with companies like Republic or Bar-S. Warren said there is not a doubt that there will be a need for roads and other improvements and there should be a way to get a handle on what it will cost the citizens before we start throwing money at things. Ihler said staff was not aware they would be involved in the work before the last Council

meeting. Warren said his comments were not directed at staff.

Shanklin said the items may or may not be required and we do not know yet. He said there are no funds to attract any other industries, and no program in place to work on it, so there will not be many more problems like this.

MOVED by Beller, SECOND by Smith, to fund the Neal Boulevard street project not to exceed \$10,000. AYE: Smith, Williams, Purcell, Beller, Haywood, Warren. NAY: Shanklin. MOTION CARRIED.

Baker asked if there was a funding source and Shanklin suggested the \$100,000 savings from the museum asbestos abatement. Purcell asked if that would cause a supplemental budget and Livingston said not at this time.

3. Consider adopting a resolution declaring the structure at #14 SW "B" Avenue to be dilapidated and detrimental to the health and safety of the community. Authorize the expenditure of Council Contingency Funds, if necessary, to demolish the structure. Exhibits: Resolution No. 98- .

Dan Tucker, Code Administration Director, said the item was brought forward at the last meeting and Ms. Gibbs, owner of the property, spoke at that time. He said Ms. Gibbs owns another house that requires repair before she can move from #14 SW B Avenue. The other property is on the United Way Day of Caring-Day of Sharing Program; a roofing company was asked to provide an estimate and Buddy Green of Ford Roofing volunteered the labor and to provide the materials; James Towers of Towers Plumbing has agreed to do necessary repairs on the plumbing once the utilities are turned on; the congregation of Barnett Chapel A.M.E. Church, the Holy Cross Lutheran Church and the staff and youth of the Teen Challenge group in the mountains have agreed to provide labor to paint and Sohl Paint and Decorating will donate the needed materials. Tucker asked Council to condemn #14 B and allow 60 days to get the work done on the other house so Ms. Gibbs can be moved into the other house before winter.

MOVED by Smith, to approve Resolution No. 98-149 for demolition and change Section 2 to reflect 90 days to obtain a building permit.

Tucker said assistance is still needed on the project and any of the churches or his office would receive calls in that regard. Williams asked if Ms. Gibbs is agreeable to this plan and Tucker said yes, and agreed we could represent her at the Day of Caring-Day of Sharing and show the volunteers what needs to be done, and she will move to the other house when the work is completed.

Beller said we should recognize those who have made these efforts and Tucker for spearheading it because the lady was here, needed help, and she found it. Haywood said he appreciated Tuckers assistance in helping Ms. Gibbs get a cab and taking her out to it and for all the things he had done in this regard. SECOND TO MOTION by Beller, AYE: Williams, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-149

A resolution determining certain structures to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structures be brought up to the Citys building codes standard or that said buildings be demolished and removed.

#### BUSINESS ITEMS:

4. Consider adopting a resolution rescinding Resolution 98-12 condemning the structure at #10 NW 9th Street, Lawton, Oklahoma. Exhibits: Resolution No. 98- \_\_\_\_.

Baker said Mr. Busse appeared before Council on August 25 to request another building permit; property was condemned in January and the building permit expired May 11, 1998. This action has been pending in one form or another since 1992.

Tucker said the property first appeared before Council in December 1990 when it was owned by Red River Savings and Loan, perhaps through a foreclosure, and Busse purchased it and came to Council in June 1992, after a second condemnation action to request additional time to repair. He said on January 12, 1993, after the building permit expired, Busse appeared at that meeting and again at the January 26, 1993, meeting and told Council at that time of his intention to repair the property and that he had the ability to do so. It was brought to Council January 27, 1998, in that there had been no apparent work done between January 1993 and January 1998. Busse came in, obtained a building permit, and after it expired, he came to Council on August 25 requesting additional time.

Tucker said Busse told him that some work had been done within the house and inspectors were allowed to enter; some plumbing work had been done, a bathtub and duct work for heating and air were installed, although none had been inspected. Property is in essentially the same condition as in 1993.

Purcell asked who requested this agenda item. Tucker said the City Council directed that the item be returned

after Busse spoke during audience participation at the last meeting. Shanklin suggested Council hear from Busse and that it was not his intention to destroy anyones property if they will actually do what they say they will do. Williams, Warren and Purcell spoke in regard to the lengthy amount of time involved in this property.

MOVED by Shanklin, SECOND by Haywood, to pass the resolution rescinding Resolution No. 98-12, which would allow issuance of a building permit and six months to finish.

Williams asked if this would be the third extension. Shanklin said some are not perfect.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood. NAY: Purcell, Warren, Smith, Williams. MOTION FAILED.

Mayor Powell recognized a group of boy scouts and their leaders in the audience who were present to learn about city government and said he appreciated their attendance.

5. Consider a request from Cleve Hale to operate a church at 715 SW B Avenue without required off-street parking and compliance with building codes. Exhibits: Letter from Code Administration dated 3/16/98; Site Plan.

MOVED by Shanklin, SECOND by Beller, to table this item until an indefinite date. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

6. Consider authorizing staff to prepare plans and specifications for construction of handicapped parking at the H.C. King Center and approve a resolution authorizing angled handicapped parking. Exhibits: Site Plan; Resolution 98-.

Williams said he requested the item, which had been to Council previously. He said only a couple of handicapped parking spaces were provided next to the building when it was constructed. There is a circle drive, but many who use the facility are elderly and come alone. There is a parking lot to the west across the street, and some park there and walk across the street on walkers. He said the attempt is to get the parking closer to the building and that the improvements be made in a timely manner. Purcell said he thought this had been done and would support the item but did not feel it should come from Council Contingency because Parks & Recreation has funding available from the asbestos removal.

MOVED by Williams, SECOND by Haywood, to approve the item and Resolution No. 98-150 with funding from the Parks & Recreation budget.

Haywood said this was for Carol King Green.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Purcell. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-150

A resolution authorizing the installation of handicapped parking and/or traffic control devices at a certain designated location within the City of Lawton, Oklahoma.

8. Discuss requesting appointment of a City Council Member to any committees of the Lawton Chamber of Commerce and Industry that negotiate with any prospective incoming companies and take appropriate action. Exhibits: None.

Smith said he discussed this with Ms. Fever at the Chamber today and she had no problem doing it, and it could address a lot of problems that are perceived to be coming from Council decisions.

MOVED by Smith, SECOND by Purcell, for approval of the item.

Marilyn Fever, Lawton Chamber of Commerce and Industry, said the Chamber had always had a standing slot on the economic development team for the Mayor and/or his designee. She said they do not have a standing committee but appoint them on a case by case basis depending on the prospect.

Beller said it had worked well with the Mayor serving in that capacity in the past and expressed concern with having another person involved in the confidentiality of negotiating with incoming industries. He said the Chamber had done an admirable job of keeping these things within the boundaries of propriety as far as confidentiality and that he did not feel a council member was needed on the committee; if the Chamber would have wanted one of the council members, they would have asked for one.

Shanklin said the City Manager is a member and Beller said that is only if the Mayor asks him to. Fever said that is correct, when former Mayor Marley could not attend, he would designate the City Manager to attend in his place. Shanklin asked if they had taken away the City Manager being on the board. Fever said the City Manager was

never a member of the Chamber Board of Directors and Shanklin said Bob Hopkins was. Fever said they had ex-officio members and she did not think that people truly understood what ex-officio meant, and they still have a slot and encourage the City's participation on the board of directors, but in an ex-officio position.

Smith asked if the Chamber had a problem with the Mayor appointing a council member to be on the recruiting committees bringing in businesses. Fever said absolutely not.

Purcell said he thought these were two different issues, and that he would not necessarily support having a council member on the board of directors of the Chamber, but Smith was talking about a council member being part of the negotiating team so when someone promises a road, the person on the council would be able to say that things should not be promised without talking to the Council. He said no one is doing that now and the Council has to come up with the money.

Mayor Powell asked if Fever said the past Mayor and City Manager were at the meetings. Fever said in the past, they had a standing economic development team and the Mayor was a member of that team; when a prospect was in town, it would be according to the particular need of that prospect as to the City's representation. Fever said they try to involve people from the appropriate departments in the negotiations because they realize they cannot do it by themselves. She said she interpreted the request to mean that a council member would be there when they got into the fine points of the negotiations. Fever said they trusted the Mayor's judgment and that Beller was correct regarding the confidentiality but assumed each member understood and respected that. Beller said it seemed the Mayor could attend now, or if he was unable to do so, he could designate a council member to attend in his place. Beller said one council member had no ability to promise things and as soon as they start talking about the needs of a prospective client, the word is out, and most of them demand confidentiality. Fever said they do demand confidentiality but when public funds are involved, those laws must be complied with.

Warren said he would favor anything to smooth the way for economic development, but whoever is tasked to do this would be criticized later because Schumpert attended some in the past and wrote letters about what was promised and what was not promised and he was criticized.

Smith said Council discussed a problem earlier tonight, and he attended meetings for a year and a half before coming on Council and watched this come up on three separate occasions, and every time, the comment was made that someone from the Council was needed so everyone would know what was going on.

Williams said neither the Mayor nor City Manager would have an opportunity to vote on the issues, and the Mayor could only in case of a tie. He said once they are down to the finite details that would potentially commit public funds for infrastructure extension, that is when someone with a vote should be involved.

Mayor Powell asked if this was for an informational person or a person with decision making abilities. Smith said it should be a communications liaison. Williams said the Mayor could do that.

Purcell said whether it is information or voting does not make a difference, but if there is a meeting going on where a prospective client is told we will put in a road for you, someone needs to be there to say we cannot promise that to you today. He said the City Manager went before and everyone got mad at him when he said they never promised that. Shanklin said he would like to be appointed as the person.

Beller said the Council cannot appoint a person to a Chamber committee but they could send a letter asking them to consider having a City representative. Smith said he thought if it involved spending citizen money that the Council could have a voice in that. Beller said the Chamber could be sent a letter asking them to consider a council member being a member of their committee.

Beller asked how the Council could appoint a member to the Chamber's committee. Vincent said the City has a contract with the Chamber and it does not provide for a council member to be a voting member of a committee; the City can request the Chamber appoint someone but cannot demand it unless there is a contract amendment. Beller said his point was the Chamber could be asked and if they agree, the Mayor would make the appointment. Smith said he had no problem with that.

Fever said it is probably true that things are promised during negotiations that cannot be delivered but also that Council must post an agenda and consider requests publicly, so that is why assumptions are made under certain conditions, and every case is different. She said it is a matter of the Chamber, City and County all working together on economic development. Fever said she had no problem, and felt the Board would not have a problem, with the Mayor being on a committee or appointing someone to be on a committee in bringing a prospect with major jobs to town. Smith suggested the Chamber could send the City a letter requesting a member and Fever said that could be done. Beller said the Chamber Board might want to discuss it.

Motion on the floor was withdrawn by Smith.

MOVED by Beller, SECOND by Smith, to send a letter to the Chamber asking them for authorization for a council

member or a designee of the Mayor to attend any meetings that involve prospective and incoming industry and see what they tell us.

Mayor Powell asked who would write the letter and Beller said he hoped Powell would.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Purcell. NAY: Shanklin. MOTION CARRIED.

9. Discuss and take appropriate action concerning the closing of Jackson Creek at Lake Lawtonka during the certain night-time hours. Exhibits: None.

Baker said there was discussion last May during budget review about the Jackson Creek area, and there was some confusion as to Councils wishes in that regard. Consensus of some members appeared to be that the area should be closed at a designated time such as 10 or 11 p.m. and staff did not pick up on that guidance or consensus and has not been closing the area; the area was closed for three days over the July 4 weekend only. The item tonight is to clarify Councils wishes in this regard.

Shanklin said the operation was moved under Ihler and knew of no debate. Mayor Powell said he was called by residents of the area regarding parties from 2 to 5 a.m., and he asked how that could be happening when the gates were locked, but found the gates were not locked, so he asked Baker to pull the minutes of the Council meeting to see what was said and done, and there was no action taken. Powell said two members happened to be around and he asked them their recollection and they thought it had been closed, and he did as well. Powell said that was the reason he requested the item and asked for Council direction.

Shanklin said he would make a motion that staff provide a recommendation. Mayor Powell asked Ihler to address it. Ihler said they are looking at one way in and one way out access for the entire area, to include the camping sites, Jackson Creek, the day use area, and there is a new location that may be proposed as the entrance which would overlook the entire lake and provide a beautiful view. The existing booth at the day use area would be removed and the new booth at the access point would have an individual there instead of having someone collect permit fees and another to stay at the day use area. All of the things done now for that area could be addressed by the one individual in the relocated booth. Recommendation is to open the Jackson Creek area at 7 a.m. and close it at 11 p.m. to prohibit entrance after 11 p.m. but if you were in the area prior to 11 p.m. you would be able to leave but not come in without having tire damage. Ihler said he planned to take the proposal to the Lakes & Land Commission within two months. Shanklin asked if it would be in place by the spring and Ihler said he hoped it could be.

Purcell said the problem was people partying all night in that area. Ihler said the law enforcement personnel could go through around 11 p.m. and check the areas; the problem was presented as people arriving at 2 or 3 a.m. and starting parties then. Ihler said if people are already there and creating problems, it was hoped that law enforcement would take care of that.

Warren asked if there was another way into the Jackson Creek area beside the gate. Ihler said he thought you could get in from the north by the road going toward Meers. Warren asked if the area was used mostly by fishermen. Ihler said that is the designated use but others have the parties. Warren suggested locking the gate until plans can be worked out, and said he understood it may cause a little problem for the fishermen who may have to use another access. Mayor Powell said the calls he received indicated people arrive around 11 p.m. but by about 2 a.m. the residents feel that their lives may be in jeopardy right in their back yards so it seemed the areas should be closed while a plan is being developed and to consider the needs of the fishermen as well. Warren said the fishermen needed to be able to go in somehow but the gate should be locked.

Mayor Powell asked if the gate could be locked at 11 p.m. and Ihler said yes; gate could be opened when staff comes on duty at 7 a.m.

MOVED by Warren, SECOND by Shanklin, to direct the City Manager to have the gates locked at 11 p.m. and unlocked at 7 a.m. and put up signs as to when it is open and closed.

Baker asked if Council desired this to go to the Lakes & Land Commission and bring it back for reconsideration depending on their decision. Williams said he thought the long range plan needed to go to Lakes & Land. Mayor Powell said the gate being locked was separate. Williams said public service announcements should be done regarding locking the gates.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

10. Consider designating that the funding received from lease of mineral interests at Lake Ellsworth be deposited into the capital improvements fund (Fund 35) and be used for lakes and lands improvements. Exhibits: None.

Shanklin said Ihler mentioned the access problems, and there are many other items to be addressed.

MOVED by Shanklin, SECOND by Smith, to designate these funds to go to Mr. Ihlers Lakes and Lands. AYE: Warren, Smith, Williams, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Vincent said the money should arrive within seven to ten days.

11. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, increasing sewer rates to fund Phase I of the Wastewater Rehabilitation Program and take appropriate action. Exhibits: Resolution No. 98-.

MOVED by Purcell, SECOND by Williams, to table Item 11. AYE: Smith, Williams, Purcell, Shanklin, Beller, Haywood. NAY: Warren. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Powell announced that Items 18 and 31 have been pulled by staff. Beller asked for separate consideration of Items 15 and 19.

12. Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Linda and Tim Fogarty, Emily and John Kilgus, Michele and Terry Parrish, and Larry and Nancy Barton. Exhibits: Legal Opinions/Recommendations and Res. No. 98-151. Approval of claims as follows: Kilgus - \$78.55; Parrish - \$20.78; Barton - \$244.91.

(Title only) Resolution No. 98-151

A resolution authorizing and directing the City Attorney to assist Timothy and Linda Brown Fogarty in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of five hundred thirty-seven dollars and fifty-eight cents (\$537.58).

13. Consider denying a request for the installation of traffic control devices at the specified locations. Exhibits: Excerpts from draft Minutes of Traffic Commission Meeting of 8/20/98. Action: Traffic control denied.

14. Consider a resolution authorizing the installation of traffic control devices at the specified location. Exhibits: Resolution No. 98-152; Excerpts from Draft Minutes of Traffic Commission Meeting of August 20, 1998.

(Title only) Resolution No. 98-152

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. (Install a "stop" sign (stopping west bound traffic) at the intersection of NW 82nd Street and Chesley.

ITEM 15 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

16. Consider setting a date of October 13, 1998, to hold a public hearing to consider an ordinance closing a right-of-way agreement for an abandoned twelve (12") inch water main located between NW Sheridan Road and NW 21st Street and more particularly in Lots 3 and 4, Thompson Subdivision. Exhibits: 3/22/94 Council Agenda Item Commentary w/map; Council Policy 5-1; Application for Closure; Copy of Right-of-Way Agreement. Action: Approval of item.

17. Consider ratifying actions of Southwest Region Minority Business Opportunity Committee (SWRMBOC) Director in requesting extension of agreement between the City of Lawton and Minority Business Development Agency (MBDA) of the Department of Commerce. Exhibits: 5/6/97 Letter from John Veal to MBDA; Memo from Regional MBDA to Washington D.C. Headquarters; 8/6/98 Letter from John Veal to MBDA; 8/7/98 Letter from John Veal to Frank Pondrom; Amendment to Agreement. Action: Ratified action to extend agreement.

18. Consider approving modification of the agreement between the City and the State of Oklahoma Office of Juvenile Affairs for the development, operation and management of a Community Intervention Center in Lawton. Exhibits: Modification of Agreement with State of Oklahoma of Juvenile Affairs. Action: THIS ITEM WAS PULLED BY STAFF PRIOR TO CONSIDERATION OF THE CONSENT AGENDA ITEMS AND WAS THEREFORE NOT APPROVED.

ITEM 19 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

20. Consider awarding a construction contract for the Utility Reconstruction Project 97-10 to Bowen Construction, Inc. in the amount of \$22,468.00. Exhibits: None. Action: Awarded construction contract to Bowen Construction, Inc.
21. Consider rejecting bid proposals for the West 82nd Street Waterline Relocation Project 98-8 and authorizing staff to readvertise for bids. Exhibits: Bid Tabulation. Action: Rejected bid proposals and authorized staff to readvertise for bids.
22. Consider approving a request for a left turn bay and median opening at SW 10th Street and Lee Boulevard (SH-7). Exhibits: Schematic Drawing. Action: Approved request.
23. Consider authorizing the Mayor to send a letter to the Oklahoma Department of Transportation regarding the use of City property acquisition forms for the right of way acquisitions for the West 82nd Street Project. Exhibits: None. Action: Authorized Mayor to send letter.
24. Consider rescinding Council Policy 55 (Community Development Block Grant Small Business Revolving Loan Fund). Exhibits: Department Policy on file at Housing and Community Development Department. Action: Rescinded Council Policy 55.
25. Consider an agreement with Walter and Margarite Chandler for the sale of treated water outside the City limits to service a one acre tract approximately 2 miles south of SW Bishop Road and SW 38th Street. Exhibits: Letter of Request; Location Map; Council Policy 5.2 (excerpt); 8/12/98 Committee Minutes (excerpt); Proposed Agreement. Action: Approved agreement.
26. Consider entering into a contract with Mr. and Mrs. Bob McConnell for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: Contract on file in City Clerk's office. Action: Approved contract.
27. Consider entering into a contract with Mr. and Mrs. Ralph Godfrey for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: Contract on file in City Clerk's office. Action: Approved contract.
28. Consider approving contract with Dr. James Lambert to present a pre-concert lecture/demonstration on African highlife rhythms prior to the National Ballet du Senegal performance on October 12, 1998. Exhibits: Contract on file in City Clerk's office. Action: Approved contract.
29. Consider approving contract change order of Pest Control Services with Environmental Pest Control to alter the pest control frequency from once a year to once per month for the Waste Water Treatment Plant. Exhibits: Contract Change Order; Department Memorandum. Action: Approved contract change order.
30. Consider awarding contract for Flush Truck Hose Parts. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Awarded contract as follows - Mattsco Supply Co. - Items #1 and #4; Sewer Equip. Co. of America - Item #2; Daveco Ind. Co. - Item #3.
31. Consider awarding contract for Traffic Signal Controller & LED's. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Awarded contract for LED's to Dialight Corp.; rebid Traffic Signal Controllers.
32. Consider awarding contract for Network Server Computer. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Contract awarded to Altima Computing Services of Artesia, CA.
33. Consider awarding contract for Wireless Communication Equipment. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Contract awarded to Precision Services Group.
34. Consider awarding contract for Printers. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Contract awarded as follows - Technology Resource Center - Item #1A; Computer Direct Inc. - Item #1B; Matrix Data Corp. - Item #1C; Micro World - Item #1D.
35. Consider awarding contract for Traffic Signal Poles and Arms. Exhibits: Vendor's mailing list, Bid tabulation & Department recommendation. Action: Awarded contract to Pinkley Sales Co.; should project allow for the use of a used signal pole and arm that Electro-Craft of Lawton be awarded the bid for used poles and arms.
36. Mayors Appointments. Exhibits: None. Transportation Policy Committee: Stanley Haywood, Council representative.
37. Consider approval of payroll for the period of August 24 through September 6, 1998. Action: Approved



payroll.

MOVED by Shanklin, SECOND by Haywood, for approval of the Consent Agenda items as recommended with the exception of Items 15, 18, 19 and 31. AYE: Williams, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

15. Consider approval of the Airport Authority's acceptance of a grant from the Federal Aviation Administration for improvements to runways at the Lawton-Fort Sill Area Airport. Exhibits: None.

Beller said the Airport Authority approved the FAA grant this afternoon; the FAA has offered the grant in the amount of \$1,945,000, and there is an opportunity to receive an additional \$500,000 in discretionary funding.

MOVED by Beller, SECOND by Purcell, to approve the amount of the grant offer with the possibility of the additional \$500,000 and that the execution of the grant be approved after we are notified of the revised amounts, to approve the grants.

Warren asked if it would help get the grant if the City would bill the Authority for the fuel tanks. Beller said they are constantly looking for a grant source to repay the City. Williams asked if these are matching grants. Beller said it is about 90% FAA funding and the 10% is to come from the passenger facility charges. Shanklin asked if the runway would be overlaid only and if the source of the water had been found. Beller said the overlay is being considered. Shanklin said it would be a problem again in five years if they have not located the water source.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

19. Consider approving Mutual Aid Agreements with the Lawton Correctional Facility for law enforcement and firefighting activities, and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Mutual Aid Agreements.

Beller said the Warden from Wackenhut is present and asked him to come forward. Beller said the agreement provides that rendering of assistance under the terms of the agreement shall not be mandatory, and asked the Warden if he was comfortable with that. Beller said it would seem the City should be mandated to provide assistance as soon as possible.

Dayton Popple, Warden, said he had confidence that the City would respond to any emergency and a state statute requires a response in case of an emergency. He said the Department of Corrections requested the agreement with the City, as well as with various other agencies, to establish an understanding that each entity would support the other.

Vincent said the reason for the language is the finite number of officers or firefighters, and if there was a catastrophe in the city, such as a tornado, it would be difficult to respond everywhere we should be responding, including Wackenhut. There will also be agreements between Wackenhut and the Sheriff's Department, Department of Public Safety, and DOC. Warren said he had some of the same concerns and had spoken with the Warden about it earlier in the day and there was not a problem.

MOVED by Beller, SECOND by Warren, to approve Item 19. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

#### BUSINESS ITEMS:

38. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a claim of Luz A. Lopez, and, if necessary, take appropriate action in open session. Exhibits: None.

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a claim for reimbursement of payment of Workers Compensation benefits by the State Insurance Fund in the Workers Compensation case of Bobby Montanez v. City of Lawton, Court Claim No. 86-21041-A, and, in open session take appropriate action. Exhibits: None

40. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property subject to flooding on the Middle Branch of Wolf Creek, and take appropriate action in open session. Exhibits: None.

MOVED by Purcell, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Purcell. NAY: None. MOTION CARRIED.

The Mayor and Council recessed for approximately five minutes and convened in executive session at 7:55 p.m.,

then reconvened in regular, open session at 8:40 p.m. with roll call reflecting all members present except Sadler.

Vincent reported that the Mayor and Council considered Item 38 as shown on the agenda and he recommended that no action be taken.

Vincent reported on Item 39, Montanez v. City, this is a claim filed by the State Insurance Fund in that workers compensation case where they had made a claim against the City for \$120,000; the City filed a counter claim. Vincent recommended the Council approve the settlement of the Citys counter claim in the amount of \$67,928.67 and authorize the Mayor to sign the necessary documents.

MOVED by Shanklin, SECOND by Smith, to approve the settlement of the Citys counter claim in the amount of \$67,928.67 and authorize the Mayor to sign the necessary documents. AYE: Haywood, Warren, Smith, Williams, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

Vincent reported on Item 40 and reviewed the title as shown; staff recommendation was that no action be taken. REPORTS: MAYOR/COUNCIL/CITY MANAGER.

Purcell said a lot of people were in town for the softball tournament this weekend, and especially on East Rogers Lane, someone had apparently thrown bags of grass clippings out of a truck all along the road, some were on the side of the road and some were in the middle of the road broken open. He said his Rotary Club cleans up one mile every so often but three days later it is in bad shape again. Purcell said there may be an ordinance now, or one may be needed, but the maximum fines and penalties should be considered, and the person in jail for such offenses should be required to clean up the road sides if that is possible. He suggested the City Manager check into this and return an ordinance if needed. Mayor Powell said an article described a lady who took it upon herself to go through trash on roadsides and find methods of identifying where the trash came from and published those names in the local paper. Vincent said he would be at National Guard for the next few days and Purcell said it could be brought back the following meeting. Shanklin objected to cigarette butts being dumped from car ash trays onto roadways. Purcell said it was his intention to include such items as that also.

Williams said tomorrow at 1:30 p.m. the Planning Commission will review the sign ordinance that the Sign Committee has worked on, and the ordinance will then come before Council. Mayor Powell said he hoped there would be a degree of common sense put into this and remember that the signs are put up to attract sales.

Baker said the Planning Commission, and specifically Julie Sanders, has been nominated for the Hammer Award, which is part of Vice President Al Gores program to cut expenses in government, and there will be a luncheon in Oklahoma City on September 22. Anyone interested in attending should let Linda Gibson know by September 10.

Mayor Powell said in todays paper, on the last page of the sports section, there is an article on economic development in Amarillo, Texas. He said the oil bust caused tremendous problems but the people went forward and Lawton must have money to attract industries.

There was no further business to consider and the meeting adjourned at 8:45 p.m. upon motion, second and roll call vote.